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### FACSIMILE TRANSMISSION COVER SHEET

Date: October 28, 2005

To: USPTO/Mail Stop PCT  
Office of PCT Legal Administration

Fax # 571-273-0459

From: Kim Brantley/Paralegal

Recipient's Direct Dial #

Sender's Direct Fax # 404-572-6999

Sender's e-mail address: [kbrantley@pogolaw.com](mailto:kbrantley@pogolaw.com)

Sender's Direct Dial # 404-572-6805

Our File # 20605.018US

Attorney # 3432

**Total Pages (Including This Page): 12**

**Please notify sender at (404) 572-6805 if all pages are not received properly**

**COMMENTS:** Please note all attachments as identified below

1—SB21 (1 pg)

2—SB22 (in duplicate) (2pgs)

3—declaration (4 pgs)

4—Renewed Submission Under 37 CFR 1.42 (2pgs)

5—copy of Decision "refusal to enter declaration" for reference only (2 pgs)

*Legal Examiner for this declaration/Decision is Erin P. Thomson.*

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PTO/SB/21 (09-04)


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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/521000
	Filing Date	January 7, 2005
	First Named Inventor	Heinz Focke
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number 20605.018US	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Attached are SB21, SB22, and Renewed Submission Under 37 CFR 1.42</b>
Remarks Please direct any questions to the attorney of record: Laurence P. Colton @ 404-572-6710		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	POWELL GOLDSTEIN LLP	
Signature		
Printed name	Laurence P. Colton	
Date	October 28, 2005	Reg. No. 33,371

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Signature			
Typed or printed name	Kim Brantley	Date	October 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional)
<b>FY 2005</b>		20506.018US
(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		
Application Number 10/521000		Filed January 7, 2005
For <b>HINGE-LID-BOX</b>		
Art Unit		Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ 120
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ 0
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ 0
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ 0
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ 0

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 501429. I have enclosed a duplicate copy of this sheet.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 33, 371

☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR \_\_\_\_\_

Laurence P. Colton Signature

October 28, 2005 Date

Laurence P. Colton Typed or printed name

404-572-6710 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent  
Customer No.: 25207  
Docket No.: 20605.018US

**UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATIONS**

Applicant: Heinz Focke et al.  
Application No.: 10/521,000  
International Filing Date: July 23, 2003  
Title: HINGE-LID BOX

Art Unit:  
Examiner: Erin P. Thomson

**RENEWED SUBMISSION UNDER 37 CFR 1.42**

Via Fax: +1.571.273.0459

October 28, 2005

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Request Under 37 CFR 1.42 from July 28, 2005, please accept the newly executed inventor's declaration as attached. A copy of the Decision is enclosed for your reference. All requirements have been met on the new declaration and satisfy 37 CFR 1.497. Specifically, the decision now includes the following items:

1. Statement included regarding sole heirs
2. Relationship of signatory identified

I certify that I have transmitted this document via facsimile to the United States Patent and Trademark Office (USPTO) to the central facsimile receiving number of +1.571.273.8300, this 27<sup>th</sup> day of October, 2005.

Kim Brantley

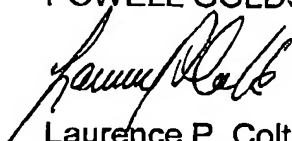
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3. Inventor's and Legal Representative's citizenship identified
4. Inventor's and Legal Representative's postal address

**CONCLUSION**

Applicant is now compliant with CFR 1.497 and 1.42. As such, applicant respectfully requests the declaration be entered.

Respectfully submitted,  
POWELL GOLDSTEIN LLP



Laurence P. Colton  
Reg. No. 33,371

POWELL GOLDSTEIN LLP  
One Atlantic Center, Fourteenth Floor  
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In re Application of  
Focke, Heinz et al.  
Application No.: 10/521,000  
PCT No.: PCT/EP03/08029  
Int. Filing Date: 23 July 2003  
Priority Date: 31 July 2002  
Attorney's Docket No.: 20605.018US  
For: FOLDING PACKET

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. A review of the declaration reveals an indication that joint inventor Heinz Focke is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

### BACKGROUND

On 07 January 2005, applicants filed international application PCT/EP03/08029, which claimed a priority date of 31 July 2002. A copy of the international application was transmitted to the Office by the International Bureau on 12 February 2004. The deadline for entry into the national stage in the United States was 31 January 2005.

On 07 January 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 June 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 July 2005, applicants submitted a declaration executed by two inventors and two heirs of deceased inventor Focke.

### DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration is executed by Jürgen Focke and Doris Focke. The declaration provided does not state that the heirs are the sole heirs of Heinz Focke. If a legal representative has been or is required to be appointed under applicable law, such person must sign the declaration and indicate the relationship, e.g., "legal representative of inventor Heinz Focke." Otherwise, all heirs of Heinz Focke must sign the declaration and indicate the relationship, e.g., "all heirs of Heinz Focke" or "legal representative of Heinz Focke." The indication that Jürgen Focke and Doris Focke are heirs leaves open the possibility that there are other non-signing joint heirs.

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Application No. 10/521,000

-2-

Additionally, the declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration appears to list the information for the heirs and the remaining inventors, but does not list the information for the deceased inventor. As such, it does not satisfy 37 CFR 1.497(a)-(b).

### CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is REFUSED.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of TWO (2) MONTHS from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

*Erin P. Thomson*

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: (571) 272-3292  
Facsimile: (571) 273-0459

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**COPY**

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**Docket No.**  
**20605.018US**

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named Inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**HINGE-LID BOX**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 23 July 2003 as United States Application No. or PCT International Application Number PCT/EP 2003/008029

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

### Prior Foreign Application(s)

DE 102 35 083.3

(Number)

DE

(Country)

31 July 2002

(Day/Month/Year Filed)

### Priority Claimed

☒

DE 102 43 925.7

(Number)

DE

(Country)

20 September 2002

(Day/Month/Year Filed)

☒

(Number)

(Country)

(Day/Month/Year Filed)

☐

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provision application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), and Section 365(c) of any PCT International application designating the United States, listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R. Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

\_\_\_\_\_  
PCT/EP2003/008029

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
23 July 2003

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
PENDING

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
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\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

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(Application Serial No.)

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(Application Serial No.)

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(patented, pending, abandoned)

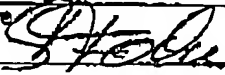
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

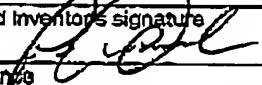
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

**Laurence P. Colton, Reg. No. 33,371**

Send Correspondence to: **TECHNOPROP COLTON LLC**  
**PO Box 567685**  
**Atlanta GA 31156-7685 US**

Direct Telephone Calls to: *(name and telephone number)*  
**Laurence P. Colton, 770.522.9762, Fax: 770.522.9763**

Full name of sole or first inventor <b>Heinz FOCKE (deceased) by Doris Focke, heir</b>	<b>13 October 2005</b>
Sole or first inventor's signature 	Date
Residence <b>Verden, GERMANY (Heinz Focke and Doris Focke)</b>	
Citizenship <b>DE (Heinz Focke and Doris Focke)</b>	
Post Office Address <b>Moorstrasse 64, 27283 Verden, Germany (Heinz Focke and Doris Focke)</b>	
<b>NOTE: Doris Focke and Jurgen Focke are the sole heirs and legal representatives of Heinz Focke.</b>	

Full name of second inventor, if any <b>Heinz FOCKE (deceased) by Jurgen Focke, heir</b>	<b>13 October 2005</b>
Second inventor's signature 	Date
Residence <b>Verden, Germany (Heinz Focke and Jurgen Focke)</b>	
Citizenship <b>DE (Heinz Focke and Jurgen Focke)</b>	
Post Office Address <b>Moorstrasse 64, 27283 Verden, DE (Heinz Focke); Burgberg 18, 27283 Verden, DE (Jurgen Focke)</b>	
<b>NOTE: Doris Focke and Jurgen Focke are the sole heirs and legal representatives of Heinz Focke.</b>	


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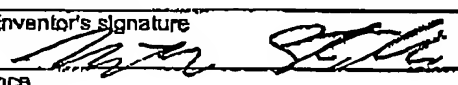
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Page 4 of

Full name of third inventor, if any	
<b>Johann KÖSTER</b>	13 October 2005
Third inventor's signature	Date
	
Residence	
<b>Verden, Germany</b>	
Citizenship	
<b>DE</b>	
Post Office Address	
<b>Poggenmoorstrasse 32, 27283 Verden, Germany</b>	

Full name of fourth inventor, if any	
<b>Martin STILLER</b>	13 October 2005
Fourth inventor's signature	Date
	
Residence	
<b>Verden, Germany</b>	
Citizenship	
<b>DE</b>	
Post Office Address	
<b>Dohlberger Strasse 35, 27283 Verden, Germany</b>	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

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